

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAVID COOPER, #7743

*

Plaintiff,

*

v.

*

2:06-CV-418-MHT

DR. NICHOLS, *et al.*,

*

Defendants.

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ORDER ON MOTION

Upon consideration of Plaintiff's June 13, 2006 pleading which the court construes as a Motion to Amend Complaint, and for good cause, it is

ORDERED that the motion (Doc. No. 25) be and is hereby GRANTED.

The court notes that Plaintiff's amended complaint concerns events which have occurred since he filed the instant action. Piecemeal litigation is to be avoided. Plaintiff is advised that the court will not tolerate a running narrative against prison personnel complaining about matters which have occurred daily, weekly, and/or monthly since the inception of filing the instant action. Defendants are under order to file a written report to Plaintiff's allegation that he is not receiving adequate medical care, and Plaintiff will have an opportunity to respond to the written report. Plaintiff is further advised that, in accordance with the court's May 31, 2006 order of procedure, the court will not accept any further amendments to the complaint unless such pleading is accompanied by a motion for leave to

amend. (*See* Doc. No. 17.)

It is further ORDERED that:

1. Defendants undertake a review of the subject matter of the complaint, as amended, (a) to ascertain the facts and circumstances; (b) to consider whether any action should be taken to resolve the subject matter of the complaint; and (c) to determine whether other similar complaints, whether pending in this court or elsewhere, should be considered together;

2. Defendants shall file an answer and written report containing the sworn statements of all persons having knowledge of the subject matter of the complaint, as amended. This report shall be filed with the court and a copy served upon Plaintiff within forty (40) days of the date of this order. Authorization is hereby granted to interview all witnesses, including Plaintiff. Whenever relevant, copies of medical and/or psychiatric records shall be attached to the written report. Where Plaintiff's claims or Defendants' defenses relate to or involve the application of administrative rules, regulations or guidelines, the written report shall include copies of all such applicable administrative rules, regulations or guidelines;

3. No motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the complaint, as amended, be filed by any party without permission of the court. If any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court, the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court; and

4. The CLERK of Court IS DIRECTED to furnish a copy of this order to Plaintiff

and a copy of this order and the amendment to the complaint to Defendants Nichols and Medical Nursing Supervisor.

Done, this 16th day of June 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE